S.B. CIVIL WRIT PETITION NO.969/2005

Kishan Lal Vs. State of Rajasthan & ors.

Date : 17.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Manish Shishodia, for the petitioner.
Mr. L.R. Upadhyay, Dy.GA, for the respondents.

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Issue notice.

Learned Dy. Govt. Advocate accepts notice on behalf of all the respondents.

Heard learned counsel for the parties.

The only grievance of the petitioner is that the petitioner's appeal against the order of refusal for grant of license for the weapon was dismissed by the Divisional Commissioner, Udaipur on the ground that the petitioner's advocate did not appear on 27.7.2004.

According to learned counsel for the petitioner, the petitioner's advocate appeared before the appellate authority for two years and on 27.7.10024 also, the petitioner's advocate was present but the case was not taken up and when the petitioner's advocate went out of court, the case was dismissed only on the ground that the petitioner did not appear. The petitioner has placed on record the certified copies of all order-sheets.

In the facts of the case, one more opportunity can be granted to the petitioner to pursue his appeal before the appellate authority.

In view of the above, this writ petition is allowed, the order dated 27.7.2004 dismissing the appeal of the petitioner is set aside and the matter remanded to Divisional Commissioner, Udaipur for deciding the appeal of the petitioner after hearing the petitioner. The petitioner shall remain present on 2.3.2005 before the Divisional Commissioner and shall submit the copy of this order. The Divisional Commissioner is requested to decide the appeal of the petitioner as early as possible.

(PRAKASH TATIA), J.

S.Phophaliya